

## REMARKS

In response to the Final Office Action dated November 28, 2007, claims 1, 4-11, 17, 21-22, 24-26, 31, 34-37, and 42 have been amended. It is believed that the amended claims define over the prior art made of record, and reexamination of this application is therefore respectfully requested.

Claim 1 stands rejected as being anticipated by Chen. Claim 1 is directed to a method of controlling a data transmission rate of a mobile station on a reverse link traffic channel. Conventional base stations transmit power control bits (PCBs) in designated power control slots to mobile stations via a Forward Common Power Control Channel (F-CPCCH). A base station operating according to claim 1, however, replaces the power control bits in selected power control slots with rate control bits to the mobile stations instead. Thus, with the claimed invention, a given power control slot will carry either a power control bit, or a rate control bit. Notably, the rate control bits that replace the power control bits in the selected power control slots are for controlling the data transmission rates of the mobile stations on a reverse link traffic channel. *Spec.*, p. 10, ¶[0022]. Claim 1 has been amended to make this aspect of the claimed invention clear.

Chen discloses a method of power controlling mobile terminals transitioning between CDMA modes (e.g., from Idle to Active). Chen does not disclose replacing the power control bits in selected power control groups with traffic channel rate information, and then transmitting that information (in the selected power control slots) to the mobile stations to control their data rate transmission on a reverse link traffic channel. In contrast, Chen uses the power control slots to carry power control bits only – as is conventional – over a forward link power control sub-channel. Because Chen fails to disclose every element of amended claim 1, Chen fails to anticipate amended claim 1.

Applicant notes that the Examiner maintains that the “rates” of Chen (i.e., 800 bps of Figure 3; 400 bps of Figure 4; and 200 bps of Figures 5-7) are rate control information. However, even if one skilled in the art were to assume *arguendo* that the Chen information is what the Examiner says it is, Chen does not disclose that the “rates” are traffic channel rate control information as claimed. The rates disclosed by Chen are actually the rates at which a base station sends power control information to a mobile terminal transitioning between states. *E.g., Chen*, ¶0051. That is, a gating rate of “1” means that the full capability of the forward link power control sub-channel (i.e., 800 bps) is allocated for power control transmission. A gating rate of  $\frac{1}{2}$  means that only half (i.e., 400 bps) of the full capability is allocated to power control transmission. Similarly, a gating rate of  $\frac{1}{4}$  means that only a quarter (i.e., 200 bps) of the full capability is allocated to power control transmission. Once received, the mobile terminals in Chen will send their power control information to the base station at the same rate on the reverse link control channel.

Accordingly, Chen does not anticipate amended claim 1. Thus, claim 1 and all of its dependent claims are patentable over the cited art.

The Examiner also rejected claims 17 and 31 as being anticipated by Chen for substantially the same reasons as those stated above for claim 1. Claim 17 is directed to a base station that performs the method of claim 1, while claim 31 is directed to a mobile station that varies its data transmission rate responsive to receiving traffic channel rate control information from the base station in selected PCB slots. Both claims 17 and 31 have been amended to contain language similar to that of claim 1. As such, claims 17 and 31, and all of their respective dependent claims, are patentable over the cited art for reasons similar to those stated above.

Finally, dependent claims 5-15, 20-27, and 34-41 stand rejected as being obvious over Chen in view of Zhang. For the reasons stated above, however, Chen fails to teach or suggest

each element in their respective independent claims. Zhang does not resolve this deficiency. Accordingly, the §103 rejections of claims 5-15, 20-27, and 34-41 fail as a matter of law.

In light of the foregoing amendments and their accompanying remarks, Applicants respectfully request the allowance of all pending claims.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "David E. Bennett", is written over a horizontal line.

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